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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE

CRIMINAL WRIT PETITION NO. 2782 OF 2005

Mamya @ Mohomad Rafique Sahid

.. Petitioner

Vs.

The State of Maharashtra and anr. .. Respondents

Mr. F.R. Shaikh, APP for State.

**CORAM : B. H. MARLAPALLE &  
SMT. R.S. DALVI, JJ.**

**Date : February 21, 2006.**

**P.C.:**

1. This petition praying for furlough leave can

be disposed off by giving directions.

2. We have noted that the refusal to grant

furlough leave on the basis of the alleged report requires reconsideration. The impugned order dated 25/4/2005 states that police report was called on two different occasions and it was adverse. It has now revealed that one of the reports was received subsequently and even the order of conviction dated 25/4/2003 does not indicate that there is any enmity between the rival groups.

3. We, therefore, direct the DIG (Prisons),

Western Region, to reconsider the petitioner's application for furlough leave by imposing some

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restrictions so that he is allowed to stay with his family at least for 3-4 weeks. Fresh decision shall be communicated to the petitioner within a period of four weeks from today.

4. Petition disposed off in terms of the above directions. A copy of this order be forwarded to the Superintendent, Yerawada Central Prison, Pune forthwith.

**(Smt.R.S. Dalvi,J.)**

**(B.H. Marlapalle, J.)**